Calendar No. 1031

99TH CONGRESS
2d Session

SENATE

REPORT
99-508

AMENDING THE QUIET TITLE ACT

OCTOBER 1 (legislative day, SEPTEMBER 24), 1986.—Ordered to be prin'ed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1617]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1617), to provide for more effective management of lands of the United States which are subject to conflicting claims or disputes, and to require the Secretary of the Interior to report annually thereon, having considered the same, reports favorably thereon with an amendment to the text and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

On page 1, line 3 strike all after the enacting clause and insert in lieu thereof:

Section 2409a of title 28, United States Code is amended to read as follows:

"(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

"(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and, if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof, as it may elect, upon payment to the person determined to be entitled thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

"(c) No preliminary injunction shall issue in an action brought pursuant to this section.

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"(d) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances in which it was acquired, and the right, title or interest claimed by the United States. If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

"(f) A civil action against the United States under this section shall be tried by the court without a jury.

"(g) Any civil action under this section, except for an action brought by a state, shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claims of the United States.

"(h) No civil action may be maintained under this section by a state with respect to defense facilities (including land) of the United States so long as the land at issue is being used or required by the United States for national defense purposes as determined by the head of the Federal agency with jurisdiction over the lands involved if it is determined that the state action was brought more than twelve years after the State knew or should have known of the claims of the United States. Upon cessation of such use or requirement, the state may dispute title to such land pursuant to the provisions of this section. The decision of the head of the Federal agency is not subject to judicial review.

"(i) Any civil action by a State with respect to land other than tide or submerged lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial investments or on which the United States has conducted substantial activities pursuant to a management plan such as range improvement, timber harvest, tree planting, mineral activities, farming, wildlife habitat improvement or other siimilar activities, shall be barred unless the action is commenced within twelve years after the date the State received notice of the federal claim to the land.

"(j) If a final determination in an action involving submerged or tide lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvement or substantial investment is adverse to the United States and it is determined that the State's action was brought more than twelve years after the state received notice of the Federal claim to the land, the state shall take title to the land subject to existing leases, easements or rights-of-way. Any compensation thereafter due with respect to said lease, easement or right-of-way shall be payable to the State.

"(k) Notice for the purposes of the accrual of actions shall be by public communications with respect to the claimed lands which are sufficiently specific as to be reasonably calculated to put the claimant on notice of the federal claim to the lands or by the use, occupancy or improvement of the claimed lands which, in the circumstances, is open and notorious.

"(l) The term 'tide or submerged lands' means lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

"(m) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession.

"(n) 180 days before bringing any action under this section, a state shall notify the head of the Federal agency with jurisdiction over the lands of the State's intention to file suit, the basis therefore, and a description of the lands included in the suit.".

2. Amend the title so as to read:

A bill to amend title 28, United States Code, relating to quiet title actions against the United States, with respect to actions brought by States.

Purpose of the Measure

S. 1617, as reported, would amend the Quiet Title Act (86 Stat. 1176; 28 U.S.C. 2409a) to exempt States from the 12-year statute of limitation applicable to quiet title actions against the United States.

Background and Need

In 1983, the U.S. Supreme Court surprised many observers by holding in *Block* v. *North Dakota*, 461 U.S. 273, that States are subject to the 12-year statute of limitations contained in 28 U.S.C. § 2409a. Until the *Block* decision it had been thought that the claims of sovereign States were exempt from statutes of limitation. This was the accepted rule under the common law and under previous decisions of the U.S. Supreme Court (see, *Utah Power and Light Company* v. *U.S.*, (1917) 243 U.S. 389). However, the Supreme Court ruled otherwise in *Block*, creating a source of increasing controversy between Federal and State officials.

The *Block* decision merely permits the Federal Government to avoid a determination of title when a dispute arises between it and a State government over the ownership of certain lands. Although the Federal Government may proceed forward with legal action to determine the ownership question, the States do not have the ability to do likewise if the limitations period has run. The result is that the ownership question remains in limbo. The title dispute is left unresolved, making proper planning and development virtually impossible.

The greatest difficulty is posed for the public lands States in the West where large holdings of federal land are checkerboarded by significant State-owned lands. Large Federal grants were made to these States upon the attainment of statehood under the equal footing doctrine. The grants include the beds of navigable lakes and rivers and two to four sections per township granted for the support of public schools and other public institutions. With the interspersed pattern of ownership and the large acreages involved it is only natural that title disputes will arise. It is, therefore, essential that the states have the ability to resolve such disputes on the merits.

The most common problem posed for the States has to do with submerged lands. Title to the beds of navigable lakes and rivers passed to the various States at statehood. The States hold these lands in trust for their citizens subject only to a paramount Federal servitude for navigation. Since the Federal Government often retains ownership of the uplands bordering these submerged lands, determination of title to such river and lakebeds has been a continuing source of controversy.

Most public land States are just beginning to inventory and regulate these submerged lands. Unlike a private owner with less extensive holdings and a greater ability to monitor and control his property, the States are not generally in a position to assess the effect of thousands of Federal decisions made over the years with respect to the public domain to determine whether they may constitute an infringement of the State's ownership or control over these large and scattered holdings. Many times decisions are made at the various levels of the Federal bureaucracy which can give rise to a claim of Federal ownership or control over portions of the State-held submerged lands or other State lands, resulting in a potential defense against any later State action to clear title to the property.

The Justice Department has recognized the need for providing relief to the States with respect to determining title to submerged lands. In testimony presented to the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee on June 13, 1984, F. Henry Habicht, II, the Assistant Attorney General for Land and Natural Resources, stated as follows:

> Based on our experience in litigation and our discussions with state officials, it appears that the real problem is not with the common quiet title action wherein the United States asserts ownership based on a record of title of which actual or constructive notice is a relatively straightforward matter of proof. Rather, the problem from the states' perspective arises in situations involving the issue of the navigability of rivers and lakes coupled with an assertion by the United States of ownership of the bed of that body of water based on actions of which a state claims insufficient notice. These are notice issues of particular concern to the states, because under operation of the equal footing doctrine, title to the beds of navigable waters generally vests in the state upon admission to the Union. (Hearing on H.R. 3917, June 13, 1984, No. 38-6180-843, pp. 13-14)

This legislation would address the submerged lands issue by completely exempting submerged and tidelands from the operation of the statute of limitations. Federal and State authorities would be free to work out title disputes to lake and riverbeds and to tidelands without the imposition of a limitations period. This will reduce the greatest source of Federal-State controversy and, at the same time, prevent much needless litigation.

Many State attorneys generals have expressed an intent to file quiet title suits in Federal court with respect to submerged lands where potential Federal claims exist in order to avert possible interposition of a statute of limitations defense should the state wait until some actual controversy over title comes into existence. In other words, with the potential risk of a statute of limitations defense at some future date, a prudent attorney would be compelled to file suit to protect against a statute of limitations dismissal even in cases where no actual dispute has yet arisen. Removal of the statute of limitations threat with regard to submerged and tidelands will greatly reduce the pressure to rush to the courtroom to protect state interests. This bill exempts those lands from the operation of the statute of limitations.

In order to meet concerns of the Department of Defense with regard to defense facilities located on tide and submerged lands, the bill requires that State suits involving those lands be held in abeyance so long as the facilities in question are being used for national defense purposes. Also, in order to give the federal authorities an opportunity to evaluate State claims to tide or submerged lands, the bill incorporates a requirement that notice of the state claim be provided to the appropriate Federal authorities 180 days before suit can be commenced.

The second major problem under the current Quiet Title Act relates to the notice required to commence the running of the statute

of limitations. It is currently provided that the statute of limitations commences running when the plaintiff, including a State, knew or should have known of the Federal claim to the property in question. With the large and far-flung land holdings of the States, particularly the public lands States in the West, it is extremely difficult to monitor all Federal activities which might be deemed to put the State on notice of a conflicting Federal claim. The States are simply not in a position to monitor actions which affect all of their properties in like manner as a private landowner.

The bill provides for a more definite notice provision for State claims. In addition to the "knew or should have known" standard, the legislation incorporates requirements designed to "be reasonably calculated" to put the State on notice of the conflicting Federal claim. While the States would have preferred a complete exemption for school trust lands and other lands granted to the States in trust by the Congress, the State attorneys general are willing to concede this issue provided that this more definite notice provision is incorporated in the Quiet Title Act. The necessity for a more definite notice is evidenced by defensive claims which have actually been asserted in Federal courts to the effect that the State should have known of a conflicting Federal claim upon attainment of statehood, even though the States did not have the ability to go into court to assert title until the passage of the Federal Quiet Title Act in 1972. The notice provision will require that the notice will be reasonable.

Legislative History

S. 1617 was introduced by Senator Wallop on September 10, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on March 4, 1986.

At a business meeting on September 25, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1617, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 25, 1986, by unanimous voice vote of a quorum present recommends that the Senate pass S. 1617, if amended, as described herein.

Committee Amendment

The Committee amended S. 1617 in the nature of a substitute. The substitute made these basic changes to the following subsections:

Subsection (1)—This subsection applies to all lands known as "uplands" other than tide or submerged lands. Tide and submerged lands generally are all those lands underlying rivers, lakes, or other bodies of water whether navigable or non-navigable. Uplands are all other lands. The subsection retains the current 12-year statute of limitations for any uplands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial in-

vestments or on which the United States has conducted substantial activities pursuant to a management plan such as range improvement, timber harvest, tree planting, mineral activities, farming, wildlife habitat improvement or other similar activities. Twelve years after the state received notice of the Federal claim to these lands, suits would be barred.

This subsection would permit States to bring lawsuits beyond the 12-year statute of limitations for uplands only other than those described above.

Subsection (j)—This subsection applis to tide or submerged lands and provides a waiver for these lands from the 12-year statute of limitations. Therefore, States may bring actions over these lands at any time. However (1) if the action is brought more than 12 years after the state received notice of the Federal claim to the land; and (2) the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial investments on the land; and (3) the State prevails in the action, the State takes title to the land subject to existing leases, easements or rights-of-way. Any compensation due the state with respect to leases, easements, or right-of-way on the lands will be governed by the terms of existing law.

NATIONAL DEFENSE FACILITIES

As in the present Act, quiet title suits may be brought within 12 years against lands held by the Department of Defense or other agencies for national defense purpose. However, these amendments except the claims of States with respect to lands being used for national defense purposes from the 12-year statute. Consequently, a state would be authorized to bring suit to quiet title to defense facilities even if it had notice of the Federal claim for more than 12 years. However, if it had notice of the Federal claims for more than 12 years, to avoid interference with national defense programs, the amendments provide that no such actions may be maintained during the time in which the land in question is used or required for the national defense. Whenever such uses cease and the land is no longer required for such purposes, the state would be authorized to assert its claims of ownership.

This limitation applies to all lands used or required for national defense purposes, and not merely to those held by the Defense Department. For instance, it is intended that the same protections against interference with defense programs be applicable to nuclear facilities held by the Energy Department as to military lands directly under DOD jurisdiction.

The Committee intends that the National Petroleum Reserve in Alaska (NPRA) is not a defense facility for the purposes of subsection (h). While NPRA was originally under the jurisdiction of the Department of the Navy, Congress in 1976 passed legislation transferring jurisdiction to the Department of the Interior (PL–258). As part of its management of NPRA, the Interior Department was directed to establish an oil and gas leasing program, and also to consider wildlife and other values in the area. Given this background, the fact that the land may contain oil, gas or other natural re-

source reserves which potentially are important to the national interest is not sufficient, in and of itself, to satisfy the requirement that the lands are used or required for national defense purposes. A more direct connection with the operation of a defense facility is required.

NOTICE OF FEDERAL CLAIMS

Under the amendments, notice for the purpose of accrual of an action must take one of two specified forms:

> (1) A "public communication" with respect to the claimed lands which is "sufficiently specific as to be reasonably calculated to put the claimant on notice of the federal claim," or (2) by the "use, occupancy or improvement of the claimed lands which, in the circumstances, is open and notorious."

The gravamen of these amendments is fairness and reasonableness. The "public communication" contemplated by this amendment must be specific with reference to the lands in question and should clearly and unambiguously demonstrate the circumstances under which the Federal Government views or is acting as if the lands were its own. The results of this test will vary with the circumstances. However, actions should not be barred if the claimant could not have reasonably been put on notice of the Federal interest in the property.

A claimant also may be put on notice of a Federal claim by "use, occupancy or improvement which, in the circumstances, is open and notorious." The circumstances of Federal use will, once again, be determinative of whether it constituted reasonable notice to an adverse claimant. Use or occupancy with express consent from the claimant obviously would not qualify but such use via a lease or other arrangement where the State had an opportunity to comment or did offer comments is less clear since that circumstance would imply State knowledge that the Federal Government considered itself to have sufficient property interest to support the activity. A use adjacent to the State Capital might impart different notice to a State than the same type of use in a remote and secluded area. Factors such as the visibility of, or the continuous nature of the use will be relevant evidence to a determination that the use was open and notorious. In any event, the Federal use, occupany or improvement must have been of such a nature as to reasonably put a State on notice of a Federal claim of ownership. The Federal Government must have acted as if it were owner of the land. The right to contest a Federal claim should not be lost unless the claimant was sufficiently put on guard by the Federal actions so as to enable him to take positive action to assert his claim.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1617, a bill to amend title 28, United States Code, relating to quiet title actions against the United States, with respect to actions brought by states, as ordered reported by the Senate Committee on Energy and Natural Resources, September 25, 1986. This bill would waive the existing 12-year statute of limitations and allow states to sue the federal government over title to land in certain specified circumstances.

Under current law, states cannot sue the federal government to settle title disputes if they knew or should have known for more than 12 years that the United States had laid claim to the land. S. 1617 would provide states with a broad waiver of the statute of limitations for suits involving wetlands, subject to more explicit notice provisions. A much more limited waiver would be provided for suits involving uplands. States would be completely barred from bringing claims for lands being used or held for national defense purposes.

CBO expects that enactment of this legislation would result in some costs for the federal government to litigate additional lawsuits. Based on information provided by the Department of Justice, CBO expects that the cost of litigating one such suit could be as high as $300,000 over the course of five to six years. These costs would be incurred primarily by the Department of Justice, and to a lesser extent by the Departments of the Interior and Agriculture. We cannot predict the number of additional suits which would be brought as a result of this legislation.

Any costs incurred by state governments as a result of this legislation would depend on their decisions to bring additional lawsuits against the federal government. There is no basis for estimating the number of these suits. The bill is not expected to result in any costs for local government.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD GRAMLICH
(Rudolph G. Penner, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying our S. 1617. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1617, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of Agriculture and the Department of Justice setting forth executive agency recommendations relating to S. 1617 are set forth below. The report from the Department of the Interior had not been received at the time the report on S. 1617 was filed. When the report become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 6, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here are our views on S. 1617, "To provide for more effective management of lands of the United States which are subject to conflicting claims or disputes, and to require the Secretary of the Interior to report annually thereon."

The Department of Agriculture recommends that the bill not be enacted. We defer to the Department of Justice for legal implications of the issue to which the bill is addressed and how the bill would impact the Federal Government.

This legislation would amend the Quiet Title Act (86 Stat. 1176; 28 U.S.C. 2409a) to exempt the States from the 12-year statute of limitation applicable to quiet title actions against the United States. The Quiet Title Act was intended by Congress to provide a limited waiver of sovereign immunity in quiet title actions. Care was taken to prevent assertion of stale claims by providing the 12-year statute of limitation. A May 1983 Supreme Court decision (*Block* v. *North Dakota*, 461 U.S. 273) verified that the Quiet Title Act provides the exclusive authority under which States may judicially challenge the title of the United States to real property and that the statute of limitation is applicable to a State. The bill's purpose is to obtain more effective administration of public lands by providing more speedy resolution of intergovernmental title disputes. An annual report by the Secretary of the Interior on actions taken pursuant to the bill would be required.

In 1984 testimony before the Subcommittee on Administrative Law and Governmental Relations, the Department of Justice concluded that the Federal-State relationships ordinary quiet title actions over real property are not the principal problem posed by the 12-year statute of limitation. This Department's experience substantiates the Department of Justice's conclusion. We have had few, if any, real property title disputes with the States since enactment of the Quiet Title Act. On the other hand, because of doubt about the navigability or non-navigability of certain bodies of water, there is an ongoing effort by the Forest Service and certain

States to establish ownership of certain submerged lands which are a part of the National Forest System.

Since the Supreme Court decision that the Quiet Title Act provides the exclusive remedy by which the States can challenge title of the United States, other judicial remedies for prosecuting lawsuits against the Federal Government are barred. Thus, the Act has had the effect of narrowing opportunity for resolving title to submerged lands. This is partly because of the contention of the United States that State claims usually accrued at the time a particular State was admitted to the Union, which in virtually all cases is more than 12 years prior to enactment of the Quiet Title Act. We are hopeful that the discussions between the Federal Government and several Western State governments, initiated by the introduction of this bill and which seek an administrative rather than legislative solution to the problem of quiet title actions, will be successful and that the solution will include resolution of the navigability/non-navigability issue. We have been consulted by the Department of Justice on these discussons and have made our views known. We believe that negotiated resolution of this issue is to be preferred over the broad waiver proposed by S. 1617 and thus urge that the bill not be enacted.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

FRANK W. NAYLOR, Jr.
Acting Secretary.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC.

Hon. MALCOLM WALLOP,
Chairman, Public Land, Reserved Water and Resource Conservation Subcommittee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed you will find a compromise proposal involving the quiet title legislation—H.R. 2484—which is scheduled for markup on September 25, 1986. This proposal has been agreed to by the Administration and by the states, as represented by Idaho's Attorney General Jim Jones.

The proposal waives the statute of limitations and allows the states to sue the Federal government over title to land in certain specified circumstances. The administration believes the proposal represents a fair compromise of Federal and state interests in this important issue.

The Office of Management and Budget has advised that there is no objection to submission of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

Enclosure.

§ 2409a. Real Property Quiet Title Actions

(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest of water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and, if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof, as it may elect, upon payment to the person determined to be entitled thereto of any amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

(c) No preliminary injunction shall issue in an action brought pursuant to this section.

(d) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances in which it was acquired, and the right, title or interest claimed by the United States.

(e) If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than an independent of the authority conferred by section 1346(f) of this title.

(f) A civil action against the United States under this section shall be tried by the court without a jury.

(g) Any civil action under this section, except for an action brought by a state, shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claims of the United States.

(h) No civil action may be maintained under this Section by a state with respect to defense facilities (including land) of the United States so long as the land at issue is being used or required by the United States for national defense purposes as determined by the head of the federal agency with jurisdiction over the lands involved if it is determined

that the state action was brought more than 12 years after the state knew or should have known of the claims of the United States: Upon cessation of such use or requirement, the state may dispute title to such land pursuant to the provisions of this Section. The decision of the head of the federal agency is not subject to judicial review.

(i) Any civil action by a state with respect to land other than tide or submerged lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial investments or on which the United States has conducted substantial activities pursuant to a management plan such as range improvement, timber harvest, tree planting, mineral activities, farming, wildlife habitat improvement or other similar activities, shall be barred unless the action is commenced within 12 years after the date the state received notice of the federal claim to the land.

(j) If a final determination in an action involving submerged or tide lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvement or substantial investment is adverse to the United States and it is determined that the state's action was brought more than twelve years after the state received notice of the federal claim to the land, the state shall take title to the land subject to existing leases, easements or rights-of-way. Any compensation thereafter due with respect to said lease, easement or right-of-way shall be payable to the state.

(k) Notice for the purposes of the accrual of actions shall be by public communications with respect to the claimed lands which are sufficiently specific as to be reasonably calculated to put the claimant on notice of the federal claim to the lands or by the use, occupancy or improvement of the claimed lands which, in the circumstances, is open and notorious.

(l) The term "tide or submerged lands" means lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(m) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession.

(n) 180 days before bringing any action under this section, a state shall notify the head of the Federal agency with jurisdiction over the lands of the state's intention to file suit, the basis therefore, and a description of the lands included in the suit.

Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1617, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is

printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 28, UNITED STATES CODE

§ 2409a. Real property quiet title actions

[(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

[(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof as it may elect, upon payment to the person determined to be entitled thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

[(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances under which it was acquired, and the right, title, or interest claimed by the United States.

[(d) If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

[(e) A civil action against the United States under this section shall be tried by the court without a jury.

[(f) Any civil action under this section shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claim of the United States.

[(g) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession.]

(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Inter-

nal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and, if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof, as it may elect, upon payment to the person determined to be entitled thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

(c) No preliminary injunction shall issue in an action brought pursuant to this section.

(d) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, the circumstances in which it was acquired, and the right, title or interest claimed by the United States.

(e) If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

(f) A civil action against the United States under this section shall be tried by the court without a jury.

(g) Any civil action under this section, except for an action brought by a State, shall be barred unless it is commenced within twelve years of the date upon which it accrued. Such action shall be deemed to have accrued on the date the plaintiff or his predecessor in interest knew or should have known of the claims of the United States.

(h) No civil action may be maintained under this section by a State with respect to defense facilities (including land) of the United States so long as the land at issue is being used or required by the United States for national defense purposes as determined by the head of the Federal agency with jurisdiction over the lands involved if it is determined that the State action was brought more than twelve years after the State knew or should have known of the claims of the United States. Upon cessation of such use or requirement, the State may dispute title to such land pursuant to the provisions of this section. The decision of the head of the Federal agency is not subject to judicial review.

(i) Any civil action by a State with respect to land other than tide or submerged lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvements or substantial investments or on which the United States has conducted substantial activities pursuant to a management plan such as range improvement, timber harvest, tree planting, mineral activities, farming, wildlife habitat improvement or other similar activities, shall be barred unless the action is commenced within twelve years after the date the State received notice of the Federal claim to the land.

(j) If a final determination in an action involving submerged or tide lands on which the United States or its lessee or right-of-way or easement grantee has made substantial improvement or substantial investment is adverse to the United States and it is determined that the State's action was brought more than twelve years after the State received notice of the Federal claim to the land, the State shall take title to the land subject to existing leases, easements or rights-of-way. Any compensation thereafter due with respect to said lease, easement or right-of-way shall be payable by the State.

(k) Notice for the purposes of the accrual of actions shall be by public communications with respect to the claimed lands which are sufficiently specific as to be reasonably calculated to put the claimant on notice of the Federal claim to the lands or by the use, occupancy or improvement of the claimed lands which, in the circumstances, is open and notorious.

(l) The term "tide or submerged lands" means lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301).

(m) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession.

(n) 180 days before bringing any action under this section, a State shall notify the head of the Federal agency with jurisdiction over the lands of the State's intention to file suit, the basis therefore, and a description of the lands included in the suit.

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Calendar No. 1032

99TH CONGRESS
2d Session

SENATE

REPORT
99-509

ESTABLISHING A SYSTEM FOR THE COLLECTION AND DISTRIBUTION OF FEES IN THE NATIONAL PARK SYSTEM

OCTOBER 1 (legislative day, SEPTEMBER 24), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 2204]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2204), to amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof:

Subsection 12(b) of the Act of August 18, 1970, as amended (16 U.S.C. 1a-7(b)), relating to the preparation of general management plans for units of the National Park System, is amended by striking out "(b)" and inserting in lieu thereof "(b)(1)" and inserting the following new paragraphs at the end thereof:

"(2) As a component of each general management plan, a resources management plan shall be prepared by the Director of the National Park Service. The resources management plan shall identify the natural and cultural resources of the unit and set forth methods and actions by which such resources shall be preserved, protected, and managed in accordance with the laws applicable to such unit. Resources management plans and actions in support thereof shall be developed and conducted in accordance with appropriate scientific information applicable to the resources of the unit and their use by visitors. The Director shall assure that unit managers are appropriately trained and have access to needed information and research in developing and implementing resources management plans.

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"(3) From funds available for operation of the National Park System, the sum of $2,000,000 annually shall be available to the Director of the National Park Service for matching grants to educational institutions, public or private agencies or organizations, or persons for the conduct of research, monitoring, and study of natural and cultural resources within the National Park System and for the development of appropriate methods of management and interpretation of such resources. Such grants shall be matched by an equal amount of funds from the grantee or by services equal in value, in the judgement of the Director, to the funds granted.".

Sec. 2. (a) Section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(a)), is further amended as follows:

(1) Paragraph (1) is amended by striking out "$10" and inserting in lieu thereof "$25" in the first sentence.

(2) Paragraph (1) is further amended by striking out "(1)" and inserting in lieu thereof "(1)(A)" and adding the following new subparagraph:

"(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Director of the National Park Service is authorized to make available an annual admission permit for a reasonable fee but not to exceed $15 for any such permit regardless as to whether it is for admission to one or more units. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.".

(3) Paragraph (2) is amended by adding the following sentences at the end thereof: "No fee for a single visit may exceed $3.00 for a single visit permit as defined in 36 CFR 71.7(b)(2) or $7.50 for a single visit permit as defined in 36 CFR 71.7(b)(1). For the purpose of this paragraph any reference to 36 CFR 71.7(b)(1) or 71.7(b)(2) shall be deemed to be a reference to those regulations which were in effect on September 1, 1986.".

(4) Paragraph (4) is amended by striking out "without charge" and inserting in lieu thereof "for a fee of $10" in the second sentence, and by striking out "other" in the third sentence.

(5) Paragraph (3) is amended by adding the following new sentence at the end thereof: "Notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.".

(6) By adding the following new paragraph (6):

"(6) (A) No later than 60 days after the date of enactment of this paragraph, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, a list of units of the National Park System and the entrance fee proposed to be charged at each unit (hereinafter in this paragraph referred to as 'the list').

"(B) Following submittal of the list to the respective Committees, any proposed changes to the list, including the addition or deletion of park units or the increase or decrease of fee levels at park units shall not take effect until 60 days after the proposed change has been submitted to the Committees."

(b) Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a), is further amended as follows:

(1) Subsection (e) is amended by adding the following after the final period: "When authorized by the head of the collecting agency, volunteers may sell permits and collect fees authorized or established pursuant to this section, and funds appropriated or otherwise available to the collecting agency shall be available to cover the cost of any surety bond as may be required of any such volunteer in performing such authorized services under this subsection.".

(2) Subsection (f) is amended by striking out "(f) Except" and inserting in lieu thereof "(f)(1) Except as provided in paragraph (2) and except"; and by adding the following new paragraph:

"(2) Notwithstanding any other provisions of law, for the period beginning on the date of enactment of this paragraph until September 30, 1991, all receipts collected from fees or permits for admission or entrance to the National Park System, all fees collected under subsections (a), (b) and (c) of this section with respect to the National Park System, shall be available until expended, without further appropriation, for expenditure as determined by the Director of the National Park Service, first, to defray the cost of collection; second, for resource protection, research, interpretation, and maintenance activities related thereto at the collecting unit; and third, for resource protection, research, interpretation, and maintenance activities related

thereto at all units of the National Park System: *Provided*, That the Director shall insure that non-collecting units receive a fair and reasonable portion of the revenue made available pursuant to this paragraph. Except for receipts necessary to defray the cost of collection, receipts available for expenditure in accordance with this paragraph may be used to make grants for the purposes authorized in section 12(b)(3) of the Act of August 18, 1970, as amended, and without regard to where the receipts were collected.

Beginning October 1, 1991, and for each fiscal year thereafter, all fees collected under subsections (a), (b) and (c) of this section with respect to the National Park System shall be credited to the Land and Water Conservation Fund.".

"(c) Section 402 of the Act of October 12, 1979 (93 Stat. 664), is hereby repealed.".

(d) The Secretary of the Interior shall not charge any entrance or admission fee at the USS Arizona Memorial in the State of Hawaii.

Purpose of the Measure

S. 2204, as reported, would authorize new fees and increases in existing fees for admission into units of the National Park System. Funds collected from entrance fees along with recreation user fees are made available without further appropriation to the National Park Service for certain park purposes.

Background and Need

Section 4(a) of the Land and Water Conservation Fund Act of 1965 authorizes the assessment of entrance fees at federally owned, operated, and maintained recreational areas. An entrance fee is a charge for entering designated national parks, monuments, recreational areas, seashores, historic and memorial parks, and sites administered by the National Park Service or Recreational Areas administered by the Forest Service. Entrance fees may be assessed on a single-visit basis or an annual basis through the purchase of the Golden Eagle Passport. The law limits the Park Service's ability to charge entrance fees at "designated units" within its system. Under Park Service regulations, a site can be classified as a designated unit if: (1) the area is a unit of the National Park System; (2) the area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes; (3) the area has recreational facilities or services provided at Federal expense; and (4) the nature of the area is such that entrance fee collection is administratively and economically practical.

In October 1979, Public Law 96–87 was enacted which froze all entrance fees at the January 1, 1979 level. Since fees had not been increased in most parks since 1972, fees were affectively frozen at levels originally established in 1972. These levels totaled no more than $1.50 for a walk-in type entrance to no more than $3 for a vehicular entrance fee. The charge for a Golden Eagle Passport is established by law at $10. Golden Age Passports and so-called Golden Access Passports continue to be issued without a fee. As of March 1986, the National Park Service charges entrance fees at 59 of its 337 units.

S. 2204, as reported, repeals the freeze on entrance fees for units of the National Park System, permitting fees to be set administratively by the Secretary of the Interior in accordance with the criteria in section 4 of the Land and Water Conservation Fund Act of 1965. As reported, S. 2204 caps entrance fees at $3 for walk-in type units and $7.50 for vehicular access parks.

S. 2204 increases the charge for a Golden Eagle Passport from a fee of $10 per year to $25. An annual admission permit fee of $15 for specific park areas would be made available for those who visit only one or two parks in their immediate vicinity. The Golden Age Passport, now issued free of charge, would cost a one time fee of $10. The legislation exempts urban recreation areas to which access is publicly available at multiple locations from being designated as entrance fee units.

With only a few exceptions, entrance fees now collected at National Park System units are deposited into the Land and Water Conservation Fund. S. 2204, as reported, makes available, without further appropriation, all entrance and user fees collected by the National Park Service for the next 5 years for certain specified purposes in the National Park System. The Secretary would have the discretion to establish amounts that would stay with the collecting park and the amounts that would be distributed among all areas, based on need.

S. 2204 authorizes the use of volunteers to collect entry and user fees and authorizes the collecting agency to pay any surety bond. The legislation also repeals a 1979 provision which prohibits the Secretary from charging for transportation systems at Denali National Park, Alaska and prohibits the Secretary from charging an entrance fee at the USS Arizona Memorial.

Legislative History

S. 2204 was introduced by Senator McClure (by request) on March 8, 1986. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on June 12, 1986. The Administration strongly recommends enactment of S. 2204.

At a business meeting on September 24, 1986, the Senate Committee on Energy and Natural Resources ordered S. 2204, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on September 24, 1986, by unanimous voice vote of a quorum present recommends that the Senate pass S. 2204, if amended, as described herein.

Committee Amendment

The Committee adopted an amendment in the nature of a substitute. The substitute would remove the freeze on entrance fees in the National Park System. Section 402 of Public Law 96-87 would be repealed along with the prohibition on charging fees at National Park System units that did not have fees in effect on January 1, 1979. The amendment would establish a ceiling of no more than $7.50 per vehicle for a single visit.

The amendment places a cap of $3 on entrance fees at so-called "walk-up parks" e.g., National Historic Sites. An annual admission for a specific park or group of parks would be established at $15 per vehicle and the Golden Eagle Passport would be increased to

not more than $25 for an annual vehicle pass to all units. The substitute would also assess a one time fee of $10 for citizens 62 years or older for use as a lifetime admission to the units of the National Park System.

The amendment also prohibits the imposition of entrance fees at urban-based park units with multiple entrance points such as Jean Lafitte, Gateway National Recreation Area, Cuyahoga Valley National Recreation Area, Hot Springs National Park, etc.

The substitute directs the Secretary to submit a list of parks and the proposed fee to the Committee within 60 days. It also requires that the Committee be notified before changes are made in this list. Such a procedure will insure that the Committee is informed in advance of any changes in the number of parks charging fees or fee levels. The Committee expects that the first list transmitted by the Department will be very similar to the list provided to the Committee subsequent to the June 12 hearing in response to a question from Senator Johnston.

The substitute would authorize the use of volunteers in collecting fees.

The substitute would amend the Act of August 18, 1970, to require the preparation of resource management plans and directs the Director of the National Park Service to assure that appropriate training of unit managers occurs to implement the resources management plans. A matching grant program is authorized to stimulate institutions and others to aid in the conducting of research, monitoring and study of natural and cultural resources in the National Park System.

The substitute makes all receipts collected from entrance fees available without appropriation to the National Park Service for expenditure as determined by the Director as follows: (1) to defray the cost of collection; (2) for resource protection, research interpretation, maintenance activities at the collecting unit; (3) for the same at all units of the system; and (4) for the grants mentioned above.

The amendment provides a 5-year "sunset" provision for the disposition of the fee revenue for the Park Service collected pursuant to S. 2204 and give the Congress an opportunity to review this new fee structure in 5 years. The amendment does *not* repeal the Secretary's authority to charge fees at park units in five years. At the end of 5 years, the funds will be credited to the Land and Water Conservation Fund, as they are under existing law. The Committee feels strongly that fee revenues should not be used as an offset against general appropriations. Fee revenue is to be made available in *addition* to funds normally appropriated, not as a substitute for all or a portion of those funds.

The substitute amendment also spells out what purposes the fee revenues may be used for and clarifies how the fee revenues are to be distributed. Specifically, the amendment ensures that non-collecting units of the National Park System will receive a fair and reasonable portion of the fee revenue collected. The Committee wants to assure that any distribution formula will not result in a group of "have" and "have-not" parks based on how much (or how little) money they collect.

The Committee expects the National Park Service to provide the Committee with annual information on the following:

1. the amount of fees received by the National Park Service from the authorities listed in this Act;

2. the distribution of fee receipts by function, by park, the amounts assigned to cost of collection at collecting units, and what criteria were used for determining the cost of collecting fees; and

3. the methods of cash and accounting controls used in collecting fees including surety bonding methods used in fee collection.

The Committee has been provided with the following explanation from the National Park Service on how the fee revenue will be distributed in fiscal year 1987. The Committee generally concurs in this distribution with the understanding (as stated in the National Park Service transmittal) that the $23.277 million to "enhance park operation" will be used for interpretation, research, resources management, and related maintenance activities at the park level.

NATIONAL PARK FEE LEGISLATION

[Estimated revenue—McClure-Wallop legislation]

	Estimated fiscal year 1986	Proposed legislation
Entrance fees	$8,100,000	$48,100,000
Golden eagle passport and annual park pass	1,200,000	5,370,000
Golden age passport		1,900,000
User fees (campgrounds, tours, etc.)	12,000,000	12,700,000
Total revenues	21,300,000	68,070,000

Under the McClure-Wallop proposed legislation, $68,070,000 would be available to the National Park Service, beginning in fiscal 1987, to carry out a variety of programs and projects as shown in the following table:

	Base program level		Enhanced program level		Total program level	
	Amount	FTE/T	Amount	FTE/T	Amount	FTE/T
Fee collection activities	$6,121,000	307	$5,000,000	100	$11,121,000	307
Informational publications	2,890,000	23	510,000	.....	3,400,000	23
Visitor transportation systems	4,002,000	.....	.....	.....	4,002,000	.....
Harpers Ferry Center—Exhibit Rehabilitation Program	3,962,000	98	.....	.....	3,962,000	98
Cultural Resources Preservation Program	5,193,000	.....	.....	.....	5,193,000	.....
Natural Resources Preservation Program	6,971,000	.....	.....	.....	6,971,000	.....
Volunteers-in-Parks Program	487,000	.....	503,000	.....	990,000	.....
Maintenance—Repair and rehabilitation projects	9,154,000	.....	.....	.....	9,154,000	.....
Enhance park operations	.....	.....	23,277,000	.....	23,277,000	.....
Total	38,780,000	428	29,290,000	100	68,070,000	528

The amounts listed in the column headed "Base Program Level" are activities financed in prior years from appropriated funds, but which are considered appropriate for funding from fee revenues for several reasons. Emphasis is given to funding projects rather than personnel because the proposed legislation calls for the use of fee revenues the same year they are generated. The Service also believes that fee revenues should support a broad range of park programs that benefit all units of the National Park System.

The activities involve projects or services which provide a direct benefit to park visitors or contribute to the preservation of the resources the park was established to protect.

The enhanced level proposed for the Volunteers-in-Parks Program will increase funding to the authorized amount of $1,000,000 and allow the Service to adequately reimburse volunteers for incidental expenses. Additional funds proposed for the Information Publications program will accelerate the conversion of all park folders to the larger and more informative unigrid format, offset increases in printing costs which have averaged 5 percent a year since 1981, and permit the publication of an additional 6,000,000 to 7,000,000 folders to help alleviate chronic shortfalls in heavily visited areas.

The remaining funds will be used to pay for the costs of collection ($11,121,000) and to enhance interpretation, research, resources management, and related maintenance activities at the park level ($23,277,000). The National Park Service has proposed that the $23,277,000 will be allocated as follows: 50 percent to all park areas on the basis of their operating budgets; and 50 percent to the revenue-producing parks on the basis of each park's collections in proportion to total revenue collected. The attached list indicates estimated amounts that would be distributed to each park based on the 50–50 formula.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 25, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congresssional Budget Office has prepared the attached cost estimate for S. 2204, the National Park System Entrance Fee Act of 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

JAMES BLUM
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2204.
2. Bill title: National Park System Entrance Fee Act of 1986.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, September 24, 1986.
4. Bill purpose: S. 2204 would amend the Land and Water Conservation Fund Act of 1965 to revise current recreational permit and entrance fees charged by the National Park Service (NPS). The bill would make all receipts generated by the NPS (including those currently credited to the Land and Water Conservation Fund) available, without appropriation, for collection costs and other expenses. Finally, S. 2204 would repeal Section 402 of the Act of October 12, 1979, which froze NPS fee levels and prohibited any new fees from being instituted.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Offsetting receipts:					
Estimated budget authority	−48	−48	−48	−48	−48
Estimated outlays	−48	−48	−48	−48	−48
Direct spending:					
Estimated budget authority	69	69	69	69	69
Estimated outlays	55	69	69	69	69
Net budget impact:					
Estimated budget authority	21	21	21	21	21
Estimated outlays	7	21	21	21	21

The costs of this bill fall within budget function 300.

Basis of estimate: S. 2204 would increase the annual price of Golden Eagle Passports from $10 to $25. This provision is expected to increase the NPS' receipts by about $2 million a year.

Section 2 would also permit the National Park Service to establish an annual fee for entrance to one or several park units in an area. CBO estimates that this provision would generate additional receipts of about $3 million a year. This section would also impose a one-time $10 fee for the currently free Golden Age Passport. This provision is estimated to generate an additional $2 million a year.

By repealing the prohibition against new entrance fees and raising the maximum per-visit fee to $7.50, S. 2204 would result in additional receipts of about $41 million a year. (Currently, the NPS earns about $8 million a year on entrance fees, which are capped at $3.00 per vehicle.) However, because the agency would be charging fees at new locations (rather than just raising existing fees), additional collection costs estimated at about $5 million a year would be incurred.

S. 2204 would amend the Land and Water Conservation Fund Act to permit all receipts earned by the NPS for annual or daily entrance fees as well as special recreation use fees to be available without further appropriation for NPS expenses. This provision would create new budget authority of about $69 million a year. Of this amount, $21 million is from receipts earned under existing law that are currently deposited in the Land and Water Conservation Fund, and $48 million is from receipts generated by the new provisions of the bill. Of the total new budget authority, about $5 million would be spent each year on additional collection expenses. The balance would be available for other NPS programs, including the grants addressed in Section 1 of the bill.

All of the above estimates have been based on information obtained from the NPS. Also, these estimates reflect the assumption of no change in visitation patterns over time. If actual patterns are different, or if visitation falls in response to fee increases, actual receipts and spending will be correspondingly higher or lower.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2204. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2204, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 2204 is set forth below:

THE SECRETARY OF THE INTERIOR,
Washington, March 10, 1986.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes." Also enclosed is a brief section-by-section analysis of the bill.

We recommend that the bill be introduced and referred to the appropriate committee for consideration, and we recommend that it be enacted.

The fee initiative proposed by this bill represents one of the highest priorities for the National Park Service in the FY 1987 budget. This bill would provide a 10-year constant source of funds for the enhancement of operational activities in the National Park System, including interpretation, maintenance, research, and resource management and protection. Given the pressing need to reduce the Federal deficit, we propose to use the fees generated by the parks themselves to increase the level of funding for park operations.

Many of the 332,500,000 visitors to the parks in 1984 paid entrance, campground, and other user fees in the belief that their money was going to directly benefit the resources and services within the park. Under current law, however, entrance and user fees generated by the National Park Service are deposited into the Land and Water Conservation Fund where they are available for appropriation by Congress for grants to States for park acquisition and development and for Federal land acquisition. Under the enclosed bill, 80 percent of all fees collected in the parks would remain with the Secretary of the Interior for use by the National Park Service. Thus, the park visitor would know that 80 cents of every dollar charged for admission or camping and similar services would directly benefit the resources of the parks.

Park entrance fees have remained essentially at the same level for 14 years. In Fiscal Year 1985, more than $21 million was collected by the National Park Service in entrance and user fees under a system in which most entrance fees, including the Golden Eagle Passport, had not been changed since 1972. We believe that if park users can be sure their money will go directly to the park system, they will not object to reasonable increases in entrance fees or expanding the number of parks at which such fees are charged. Accordingly, the second major feature of the bill is a repeal of the 1979 statutory prohibition on increasing park entrance fees or establishing new fees.

We would like to emphasize that, under our proposal:

No entrance fee will be charged where such a fee is now specifically prohibited by law; the draft bill contains no park-specific repealers on entrance fees.

No entrance fee in excess of $10 per vehicle will be charged.

No entrance fee will be charged at urban recreation areas where access is publicly available at multiple locations.

No change will be made to existing policies regarding free or reduced entrance fees for bona fide educational groups.

The price of the Golden Eagle Passport will be increased from $10 to $40, and it will continue to be an annual unlimited vehicular admission permit to any unit of the National Park System. In addition, the bill would authorize a one-time charge of $10 for the Golden Age Passport, which is now free to citizens 62 years of age and older. It would also authorize volunteers to collect fees and sell permits. For people who visit one park regularly, the bill would authorize that annual admission permits for specific parks or several specific parks in a geographic area be offered.

Under our proposal, we estimate that $52 million in additional revenues in FY 1987 would be generated from increased entrance fees. Combined with an estimated $22 million from current entrance and user fee collections, this would provide an estimated total of $74 million in revenues. Further, 80%, or $59 million, would be available for enhanced operations of our national parks and the remaining 20%, or $15 million, would be deposited into the general fund as a contribution to deficit reduction. We believe that the effect of this proposal will enable the National Park Service to provide levels of service that the American people want and expect in their national parks even in this time of fiscal austerity.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely,

DONALD PAUL HODEL.

Enclosures.

A BILL To amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "National Park System Entrance Fee Act of 1986."

SEC. 2. Section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*-6a(a)), is further amended as follows:

(1) The first sentence is amended by changing the period to a comma and inserting thereafter the following: "except that any unit which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations may not be so designated."

(2) Paragraph (1) is amended by striking out "$10" and inserting in lieu thereof "$40" in the first sentence.

(3) Paragraph (1) is further amended by striking out "(1)" and inserting in lieu thereof "(1)(A)" and adding the following new subparagraph:

"(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Secretary of the Interior is authorized to make available an annual admission permit for a reasonable fee. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.".

(4) Paragraph (4) is amended by striking out "without charge" and inserting in lieu thereof "for a fee of $10" in the second sentence, and by striking out "other" in the third sentence.

SEC. 3. Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*–6a), is further amended as follows:

(1) Subsection (e) is amended by adding the following after the final period: "When authorized by the head of the collecting agency, volunteers may sell permits and collect fees authorized or established pursuant to this section, and funds appropriated or otherwise available to the collecting agency shall be available to cover the cost of any surety bond as may be required of any such volunteer in performing such authorized services under this subsection.".

(2) Subsection (f) is amended by striking out "(f) Except" and inserting in lieu thereof "(f)(1) Except as provided in paragraph (2) and except"; and by adding the following new paragraph:

"(2) Notwithstanding any other provision of law, for the period ending ten years from the effective date of this paragraph, 80 per centum of all receipts collected from fees or permits for admission or entrance to the National Park System, and 80 per centum of all fees collected under subsections (b) and (c) of this section with respect to the National Park System, shall be available until expended, without further appropriation, for expenditure as determined by the Secretary, for operation of the National Park System. During such period 20 per centum of all such receipts and fees with respect to the National Park System shall be deposited in the Treasury of the United States as miscellaneous receipts."

SEC. 4. Section 402 of the Act of October 12, 1979 (93 Stat. 664), is hereby repealed.

SECTION-BY-SECTION ANALYSIS

Section 1: Short title.

Section 2: Amends section 4(a) of the Land and Water Conservation Fund Act of 1965, which authorizes entrance

or admission fees only to designated units of the National Park System and at National Recreation Areas administered by the Department of Agriculture, as follows:

(1) Exempts urban recreation areas to which access is publicly available at multiple locations from being designated as entrance fee units.

(2) Increases the price of the annual general admission permit, the "Golden Eagle Passport," from $10 to $40.

(3) Provides for an annual admission permit for a specific park or several specific parks in a particular geographic area. This annual permit would be similar to the Golden Eagle Passport, but limited to the specific park or parks indicated at the time of purchase.

(4) Provides for a one-time $10 charge for the Golden Age Passport, which is now free to citizens 62 years and older.

Section 3: Amends two additional subsections of section 4 of the Land and Water Conservation Fund Act of 1965, as follows:

(1) Amends subsection (e) to authorize volunteers to collect entry and user fees, and authorizes collecting agency to pay any surety bond.

(2) Makes available, without further appropriation, 80 percent of all entrance and user fees collected by the National Park Service for the next 10 years for expenditure as determined by the Secretary, for the operation of the National Park System.

The Secretary would have the discretion to establish amounts that would stay with the collecting park and the amounts that would be distributed among all areas, based on need. The funds would remain available until expended. The remaining 20 percent of all National Park System fees collected during the 10-year period would be deposited in the Treasury as miscellaneous receipts.

Section 4: Repeals 1979 provision that froze all National Park System entrance fees and prohibited the Secretary from charging for transportation systems at Denali National Park, AK.

ADDITIONAL VIEWS OF SENATOR BRADLEY

This legislation adds to a growing record of the Senate's interest and concerns over increased national park entrance fees. First, with the debate on the Supplemental Appropriations and, more recently, on the Interior Appropriations Bills, the issue of park fees has engendered substantial debate and agreement on many issues.

Some of the agreement that was achieved in this debate, however, is not present in the statutory language of this bill, as it perhaps should be. For example, I believe that the Senate has made clear that this new fee revenue should in no way undercut our current Federal support for the National Park System. Yet, the bill reported from Committee contains no legislative language to guarantee that the new fee revenue will supplement current expenditures on our national parks.

Similarly, I am concerned that the statutory language seems to support the "earmarking" of new fee revenue to the collecting park. While a certain amount of the new revenue clearly should return to the collecting park, both to defray the costs of collection and to allow incentive for the parks to collect the fees, it is apparent that the bulk of the new revenue should be allocated broadly, according to need.

Consider a small New Jersey park, the Edison National Historic Site. This is the site where Thomas Alva Edison conducted many of his landmark experiments. Visitors can see his laboratory as it was over a half century ago and learn about his amazing discoveries. This park has a low fee—$.50 per visitor—which probably can be increased moderately without a large impact on visitation. However, a higher fee will create almost no new revenue. The Edison Historic Site is a park largely frequented by school groups, who don't (and shouldn't) pay fees. This popular park, which is completely booked for its school tours for the school year by early October and typically has to refuse forty percent of the request for tours because of inadequate resources, could never exist on the revenue from entrance fees. Certainly, this example makes clear that the ability to reap fee revenue has little relationship to the implicit value of the particular park. Our national parks are not businesses.

In the Committee deliberation on this bill, the language allocating fee revenue was amended to "insure that non-collecting units receive a fair and reasonable portion of the revenue." I will be closely monitoring the implementation of this legislation to ensure that all parks receive support based on need and that we do not create "orphan" parks.

BILL BRADLEY.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 2204, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 18, 1970

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of the all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 2 of this Act, shall be consistent with the founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

SEC. 2. * * *

* * * * * * *

SEC. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section.

[(b)] *(b)(1)* General management plans for the preservation and use of each unit of the National Park System, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director of the National Park Service. On January 1 of each year, the Secretary shall submit to the Congress a list indicating the current status of completion or revision of general management plans for each unit of the National Park System.

General management plans for each unit shall include, but not be limited to:

(1) measures for the preservation of the area's resources;

(2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems and modes) associated with public enjoyment and use of the area, including general locations, timing of implementations, and anticipated costs;

(3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and

(4) indications of potential modifications to the external boundaries of the unit, and the reasons therefor.

(2) As a component of each general management plan, a resources management plan shall be prepared by the Director of the National Park Service. The resources management plan shall identify the natural and cultural resources of the unit and set forth methods and actions by which such resources shall be preserved, protected, and managed in accordance with the laws applicable to such unit. Resources management plans and actions in support thereof shall be developed and conducted in accordance with appropriate scientific information applicable to the resources of the unit and their use by visitors. The Director shall assure that unit managers are appropriately trained and have access to needed information and research in developing and implementing resources management plans.

(3) From funds available for operation of the National Park System, the sum of $2,000,000 annually shall be available to the Director of the National Park Service for matching grants to educational institutions, public or private agencies or organizations, or persons for the conduct of research, monitoring, and study of natural and cultural resources within the National Park System and for the development of appropriate methods of management and interpretation of such resources. Such grants shall be matched by an equal amount of funds from the grantee or by services equal in value, in the judgment of the Director, to the funds granted.

(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or of five years or more in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed.

LAND AND WATER CONSERVATION FUND ACT OF 1965

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. (a) CITATION; EFFECTIVE DATE.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

* * * * * * *

ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS

SEC. 4. (a) ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System administered by the Department of the Interior and National Recreation Areas administered by the Department of Agriculture. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation purposes.

[(1)] *(1)(A)* For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than [$10] *$25.* The permittee and any person accompanying him in a single, private noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be valid during the calendar year for which the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase at any such designated area.

(B) For admission into a specific designated unit of the National Park System, or into several specific units located in a particular geographic area, the Director of the National Park Service is authorized to make available an annual admission permit for a reasonable fee but not to exceed $15.00 for any such permit regardless as to whether it is for admission to one or more units. The permit shall convey the privileges of, and shall be subject to the same terms and conditions as, the Golden Eagle Passport, except that it shall be valid only for admission into the specific unit or units of the National Park System indicated at the time of purchase.

(2) Reasonable admission fees for a single visit at any designated area shall be established by the administering Secretary for persons who choose not to purchase the annual permit. A "single visit" means more or less continuous stay within a designated area. Payment of a single visit admission fee shall authorize exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be defined for each designated area by the administering Secretary based upon a determination of the period of time reasonably and ordinarily necessary for such a single visit. *No fee for a single visit may exceed $3.00 for a single visit permit as defined in 36 CFR 71.7(b)(2) or $7.50 for a single visit permit as defined in 36 CFR 71.7(b)(1). For the purpose of this paragraph any reference to 36 CFR 71.7(b)(1) or 71.7(b)(2) shall be deemed to be a reference to those regulations which were in effect on September 1, 1986.*

(3) No admission fee shall be charged for travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the National Federal Aid System, as defined in section 101, title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside the area. Nor shall any fee be charged for travel by private, noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area. In the Smokey Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof. *Notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations.*

(4) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit (to be known as the "Golden Age Passport") to any citizen of, or person domiciled in, the United States sixty-two years of age or older applying for such permit. Such permit shall be nontransferable, shall be issued [without charge] *for a fee of $10,* and shall entitle the permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to general admission into any area designated pursuant to this subsection. No [other] free permits shall be issued to any person: *Provided,* That no fees of any kind shall be collected from any persons who have a right of access for hunting or fishing privileges under a specific provision of law or treaty or who are engaged in the conduct of official Federal, State, or local Government business and *Provided further,* That for no more than three years after the date of enactment of this Act, visitors to the United States will be granted entrance, without charge, to any designated admission fee area upon presentation of a valid passport.

(5) The Secretary of the Interior and the Secretary of Agriculture shall establish procedures providing for the issuance of a lifetime admission permit to any citizen of, or person domiciled in, the United States, if such citizen or person applies for such permit, and is blind or permanently disabled. Such procedures shall assure that such permit shall be issued only to persons who have been medically determined to be blind or permanently disabled for purposes of receiving benefits under Federal law as a result of said blindness or permanent disability as determined by the Secretaries. Such permit shall be nontransferable, shall be issued without charge, and shall entitle the permittee and any person accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to

the area is by any means other than private, noncommercial vehicle, to general admission into any area designated pursuant to this subsection.

(6)(A) No later than 60 days after the date of enactment of this paragraph, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the U.S. Senate and the Committee on Interior and Insular Affairs of the U.S. House of Representatives, a list of units of the National Park System and the entrance fee proposed to be charged at each unit (hereinafter in this paragraph referred to as "the list").

(B) Following submittal of the list to the respective Committees, any proposed changes to the list, including the addition or deletion of park units or the increase or decrease of fee levels at park units shall not take effect until 60 days after the proposed change has been submitted to the Commission.

* * * * * * *

(e) In accordance with the provisions of this section, the heads of appropriate departments and agencies may prescribe rules and regulations for areas under their administration for the collection of any fee established pursuant to this section. Persons autorized by the heads of such Federal agencies to enforce any such rules or regulations issued under this subsection may, within areas under the administration or authority of such agency head and with or, if the offense is committed in his presence, without a warrant, arrest any person who violates such rules and regulations. Any person so arrested may be tried and sentenced by the United States magistrate specifically designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended. Any violations of the rules and regulations issued under this subsection shall be punishable by a fine of not more than $100. *When authorized by the head of the collecting agency, volunteers may sell permits and collect fees authorized or established pursuant to this section, and funds appropriated or otherwise available to cover the cost of any surety bond as may be required of any such volunteer in performing such authorized services under this subsection.*

[(f) Except] *(f)(1) Except as provided in paragraph (2) and except* as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees which are collected by any Federal agency shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund: *Provided,* That the head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services; and any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency. Revenues in the special account shall be available for appropriation, without

prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however,* That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof.

(2) Notwithstanding any other provision of law, for the period beginning on the date of enactment of this paragraph until September 30, 1991, all receipts collected from fees or permits for admission or entrance to the National Park System, all fees collected under subsections (a), (b) and (c) of this section with respect to the National Park System, shall be available until expended, without further appropriation, for expenditure as determined by the Director of the National Park Service, first, to defray the cost of collection, second for resource protection, research, interpretation, and maintenance activities related thereto at the collecting unit; and third, for resource proteciton, research, interpretation, and maintenance activities related thereto at all units of the National Park System: Provided, That the Director shall insure that non-collecting units receive a fair and reasonable portion of the revenue made available pursuant to this paragraph. Except for receipts necessary to defray the cost of collection, receipts available for expenditure in accordance with this paragraph may be used to make grants for the purposes authorized in section 12(b)(3) of the Act of August 18, 1970, as amended, and without regard to where the receipts were collected.

Beginning October 1, 1991, and for each fiscal year thereafter, all fees collected under subsections (a), (b) and (c) of this section with respect to the National Park System shall be credited to the Land and Water Conservation Fund.

PUBLIC LAW 96-87—OCT. 12, 1979

93 STAT. 664

TITLE I

SEC. 101 * * *

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TITLE IV

SEC. 401. The National Parks and Recreation Act of 1978, approved November 10, 1978 (92 Stat. 3467), is amended as follows:
(a) * * *

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[SEC. 402. Notwithstanding any other provision of law, the Secretary shall not charge any entrance or admission fee in excess of the amounts which were in effect as of January 1, 1979, or charge said fees at any unit of the National Park System where such fees were not in effect as of such date, nor shall the Secretary charge after the date of enactment of this section, user fees for transporta-

tion services and facilities in Mount McKinley National Park, Alaska.]

SEC. 403. Section 3 of the Act of December 2, 1969 (83 Stat. 279), is amended by changing "180,000" to "680,000".

SEC. 404. The Wild and Scenic Rivers Act of 1968 (82 Stat. 906), as amended (16 U.S.C. 1271), is further amended as follows:

(a) In section 5(b), in paragraph numbered (3), change "(72)" to "(75)";

(b) In section 5(b), in paragraph numbered (4), change "(74)" to "(75)".

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